

Members

Rep. Robert Bischoff, Chair
Rep. Markt Lytle
Rep. Richard Mangus
Rep. Phyllis Pond
Sen. Kent Adams
Sen. Thomas Weatherwax
Sen. James Lewis
Sen. Richard Young



NATURAL RESOURCES STUDY COMMITTEE

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Authority: IC 2-5-5-1

MEETING MINUTES¹

Meeting Date: October 28, 2003
Meeting Time: 10:00 a.m.
Meeting Place: The Garrison at Fort Harrison State Park
Meeting City: Fort Harrison, Indiana
Meeting Number: 4

Members Present: Rep. Robert Bischoff, Chair; Rep. Markt Lytle; Rep. Richard Mangus; Rep. Phyllis Pond; Sen. James Lewis; Sen. Richard Young.

Members Absent: Sen. Kent Adams; Sen. Thomas Weatherwax.

Call to Order. Rep. Bischoff called the meeting to order. After an introduction of the Committee members, the Committee discussed topics as described below.

Lincoln Bicentennial Commission. John Goss, Director of the Department of Natural Resources (DNR), supported the establishment of a Lincoln Bicentennial Commission. Director Goss indicated that the DNR could provide support for the commission using existing DNR staff. **PD 3459** establishes the Abraham Lincoln Bicentennial Commission.

The Committee voted five ayes to no nays to recommend the proposal to the General Assembly.

State Historic Sites. Director Goss asked the Committee to recommend **PD 3386** which allows the Natural Resources Commission to set and collect fees for historic sites. (See Exhibit 1.) Fees collected and proceeds from sales and leases are deposited in the fund. At least 51% of the fees from a particular historic site must be used for educational programs conducted at the historic site and maintenance and operation of the historic site. The remainder will remain in the general historic sites' account, which will be used for marketing, signage, brochures, and rack cards. Admission fees to state historic sites and related sales and rentals will generate approximately \$283,069 each year. The proposal does not provide for a cap on fees.

John Molitor, Indiana Historic Landmarks Foundation, supported the proposal.

The Committee voted six ayes to no nays to recommend the proposal to the General Assembly.

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

DNR In-house Construction. PD 3431 increases from \$50,000 to \$75,000 the cost of projects that the DNR may perform without awarding a public works contract.

The Committee voted six ayes to no nays to recommend the proposal to the General Assembly.

Interstate Pest Control Compact. PD 3471 provides for the adoption of the Interstate Pest Control Compact. It also establishes procedures to obtain funds from the Pest Control Insurance Fund.

Pest Control Insurance Fund is established to finance other than normal pest control operations that states may be called upon to engage in under the compact. The fund consists of money appropriated to it by the party states and any donations and grants accepted by it. All appropriations, except under certain circumstances, must be unconditional and may not be restricted by the appropriating state to use in the control of any specified pest or pests.

Each party state must have a compact administrator who shall be selected and serve in a manner as the laws of the party state may provide and who shall assist in the coordination of activities under the compact in the compact administrator's state; and represent the compact administrator's state on the governing board of the fund. States may request the governing board to authorize expenditures from the fund for eradication or control measures to be taken by one or more of the other party states. The Commissioner of Agriculture would serve as compact administrator for Indiana. To join the compact, Indiana would have a one-time payment of a little over \$33,000, which would be payable over a six-year period. The DNR has already identified a source of funding for the compact. The Indiana Nursery Dealers Association indicated that the compact makes sense. Rep. Bischoff read a letter submitted by the Association. (See Exhibit 2.)

The Committee voted six ayes to no nays to recommend the proposal to the General Assembly.

Oil and Gas Reporting. PD 3460 increases penalties for violation of certain oil and gas well laws. The proposal increases the civil penalty of not more than \$10,000 to not more than \$20,000. The proposal also provides that a person who knowingly falsifies any written certification or verification commits a Class D felony. Each falsified certification or verification is a separate offense. Under current law, falsifying a record is a Class D felony for injection wells. The proposal applies the Class D penalty for all wells.

The Committee voted six ayes to no nays to recommend the proposal to the General Assembly.

Elimination of the Lifetime Hunting, Fishing, and Trapping Licenses and the Fishing Licenses for Seniors. PD 3389 discontinues the fishing license exemption for residents who are at least 65 years of age. The proposal also establishes a senior fishing license for residents who are at least 60 years of age. The draft also discontinues the issuance of new lifetime hunting, fishing, and trapping licenses.

Director Goss explained that residents 60 to 64 years of age would be able to purchase a fishing license at a discount rate of \$3. Those over 64 would be required to purchase a license for \$3. For each fishing license sold, the DNR receives \$6.60 currently in federal reimbursement. (See Exhibit 3.)

With respect to the discontinuation of the lifetime licenses, although there may have been an initial increase in revenue when the lifetime licenses were first offered, over time the revenue generates less than if the purchase of a license was required every year. Current license holders would be grandfathered in. (See Exhibit 4.)

Dick Mercier, Indiana Sportsmen's Roundtable, supported the proposal. Phil Ohmit, Hoosier Conservation Alliance, also supported the proposal. Paula Yeager, Indiana Wildlife Federation, also supported the measure. Ms. Yeager noted that the following organizations supported the measure: Indiana Deer Hunters Association, Safari Club International, National Wild Turkey Federation,

Northeast Indiana Trout Association, Steel headers Association, Ducks Unlimited, Quail Unlimited, Izaak Walton League, Indiana Flycasters, Pheasants Forever, Indiana Bass Federation, Indiana Hunter Education Association, Indiana Bassin' Gals, Waterfowl USA, and Furtakers of America. The Michiana Steel headers and the Northwest Indiana Steel headers also supported the proposal. (See Exhibit 5.)

The Committee voted five ayes to one nay to recommend the proposal to the General Assembly.

INDOT Mowing of Wildlife Habitat. Mr. Mercier indicated that the Sportsmen's Roundtable was withdrawing its proposal pertaining to INDOT's mowing of wildlife habitat. Mr. Mercier reported that interested parties agreed to meet with districts and subdistricts to discuss ways to increase habitat for wildlife. If no progress is made during the next year, the Sportsmen's Roundtable would return with the proposal.

DNR Drainage Code Issue. The DNR reported that it is working with interested parties and county surveyors on the drainage code issue. The DNR submitted no proposal on the issue.

Clean Water Indiana. Gene Weaver, Vice President of the Indiana Association of Soil and Water Conservation Districts, provided an overview of the work of the districts. He requested a dedicated and permanent source of funding for the Clean Water Indiana Program. (See Exhibit 6.)

Representatives from the Indiana Sportsmen's Roundtable, the Indiana Wildlife Federation, Pheasants Forever, the Nature Conservancy, and the Indiana Lakes Management Society supported the program and urged permanent funding for the program. The Hoosier Environmental Council submitted a letter of support.

Sen. Lewis noted that there was a sales tax on tap water but not on bottled water. Rep. Lytle suggested that the association explore moving bottled water from a nontaxable item to a taxable one. Rep. Lytle noted that there were only about three bottled water companies in the state. Sen. Lewis explained that much of the bottled water is from outside of the state. He also indicated that several years ago bottled water was taxed.

Greg Lake from the Allen County Solid Waste Management District stated that the demand for district services has increased while the funding has not.

Brian Buchanan, Chief of the Miami Indians, and other representatives from the Tribe, indicated that the Miamis believe that they come from the rivers and rivers are sacred to them. So, the Tribe was supportive of the pursuit of a permanent funding source for the program.

Rep. Bischoff challenged the SWCDs to move forward with the issue and to have language drafted for the next legislative session.

Native American Affairs Commission. PD 3458 establishes the Native American Affairs Commission. The proposal also authorizes the commission to recommend final disposition of Native American human remains that have been removed from a burial site.

Sally Tuttle, Native American, and Brian Buchanan, Chief of the Miami Indians, and other representatives of the Miami Indians supported the proposal. Christine Bowyer noted that the tribe's recognition was illegally taken from them. Her family and ancestors have sat on the Tribal Council for five to six generations.

By a voice vote, the Committee voted to amend the proposal to include Section 10 from SB 337-2003. Section 10 would allow the state to have a process for defining an historical tribe. Currently, in Indiana there is no process in place to recognize a tribe. The proposal would give the commission the authority to look at the issue.

The Committee voted five ayes to one nay to recommend the proposal to the General Assembly.

Department of Indiana Heritage. Beth Compton, Legislative Assistant for the Governor, indicated that Governor Kernan does not wish to prepare any legislation for the Department of Indiana Heritage at this time. The administration, however, intends to continue to work with the divisions involved in order to implement some of the benefits that having a department of heritage might bring. This option might result in collaboration among the interested entities without the fiscal impact.

Rep. Lytle supported the concept of a department of heritage, and suggested that the cost savings be explored as well as the revenue that could be generated by such a department.

No legislation relative to the Department of Indiana Heritage was brought before the Committee.

Classified Forests. Sen. Young stated that some constituents had raised the issue about the requirement that land must be surveyed by a licensed surveyor in order to be considered for the Classified Forest Program, yet the SWCDs have a mapping system that could identify the forest for less cost. He suggested that SWCD maps be accepted. Rep. Bischoff encouraged Sen. Young to pursue legislation.

Piers and Easements. PDoc 20041671.001 prohibits, except when granted written permission, constructing or maintaining a pier, dock, or other structure that blocks or restricts an easement holder's access to or use of a public lake. The proposal allows an easement holder to use certain structures that extend from the easement to the shoreline or lake. Coleen Synder, citizen, expressed her approval of the proposal.

The Committee voted five ayes to no nays to recommend the proposal to the General Assembly.

Captive Cervidae Update. John Davis presented an update on the captive cervidae issue. He explained that a DNR working group has been conducting meetings throughout the state. The group intends to conclude its work by the summer of 2004 and will report to the Committee at that time.

Field Trials. Mr. Davis noted that four areas may be available for field trials. There is a proposal for seven or eight geographically spread across the state. He proposed closing these areas during the nesting season. The DNR is working toward a preliminary rule and will continue to work with interested parties. The rule-making process is a year-long process. Paul Ehret noted that the Interlake property could be suitable for field trials.

Final Report. The Committee voted 6-0 to adopt the final report.

Adjournment. Rep. Bischoff adjourned the meeting.